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COLLATERAL REFERENCES

Am. Jur. 2d. — 82 Am. Jur. 2d Zoning §§ 242 to 253.

Key Numbers. — Zoning ⇨ 761 et seq.

C.J.S. — 101A C.J.S. Zoning and Land Planning §§ 355 to 361.

CHAPTER 10

CITIES OF FIRST AND SECOND CLASS

Article 1

Municipal Wards

Section

10-10-1. Division of city into wards — Number and boundaries.

Article 2

Budget System

10-10-2 to 10-10-8. Repealed.

Article 3

Civil Service Commission

Section

10-10-9 to 10-10-22. Repealed.

Article 4

Uniform Municipal Fiscal Procedures Act

10-10-23 to 10-10-75. Repealed.

ARTICLE 1

MUNICIPAL WARDS

10-10-1. Division of city into wards — Number and boundaries.

All cities of the first class shall be divided into six municipal wards and all cities of the second class shall be divided into five municipal wards, the boundaries of which shall be prescribed by ordinance and shall not be changed oftener than once in five years; such wards shall be as nearly as may be of equal population and in compact form.

History: R.S. 1898 & C.L. 1907, § 181; C.L. 1917, § 532; L. 1939, ch. 26, § 1; R.S. 1933 & C. 1943, 15-9-1.

NOTES TO DECISIONS

Redistricting.

This section provides for redistricting, the city commission being empowered to do so

upon request, as for example, upon the request of the board of education. *Olsen v. Merrill*, 78 Utah 453, 5 P.2d 226 (1931).

COLLATERAL REFERENCES

C.J.S. — 62 C.J.S. Municipal Corporations §§ 81, 82.

Key Numbers. — Municipal Corporations ⇨ 40.

ARTICLE 2

BUDGET SYSTEM

(Repealed by Laws 1961, ch. 24, § 2)

10-10-2 to 10-10-8. Repealed.

Repeals. — Sections 10-10-2 to 10-10-8 (L. 1925, ch. 15, §§ 1 to 6; 1927, ch. 54, § 1; R.S. 1933 & C. 1943, 15-9-2 to 15-9-8; L. 1957, ch. 20, § 1), relating to budget system, were repealed by Laws 1961, ch. 24, § 2.

ARTICLE 3

CIVIL SERVICE COMMISSION

(Repealed by Laws 1977, ch. 48, § 1)

10-10-9 to 10-10-22. Repealed.

Repeals. — Sections 10-10-9 to 10-10-22 (C.L. 1917, §§ 666 to 666x13, added by L. 1921, ch. 13, § 2 and L. 1927, ch. 58, § 2; R.S. 1933 & C. 1943, 15-9-9 to 15-9-22; L. 1953, ch. 20, § 1; 1955, ch. 16, § 1; 1955, ch. 17, § 1), relating to the civil service commission, were repealed by § 10-1-114, enacted by Laws 1977, ch. 48, § 1. For present provisions, see § 10-3-1001 et seq.

ARTICLE 4

UNIFORM MUNICIPAL FISCAL PROCEDURES ACT

(Repealed by Laws 1979, ch. 31, § 1)

10-10-23 to 10-10-75. Repealed.

Repeals. — Sections 10-10-23 to 10-10-75 (L. 1961, ch. 24, § 1; 1967, ch. 24, § 1; 1971, ch. 14, § 1; 1972 (1st S.S.), ch. 1, §§ 1 to 12; 1973 (1st S.S.), ch. 1, § 1), the Uniform Municipal Fiscal Procedures Act, were repealed by Laws 1979, ch. 31, § 1. For present provisions, see §§ 10-6-101 to 10-6-159.

CHAPTER 11

INSPECTION AND CLEANING IN CITIES OF SECOND CLASS

Section

10-11-1. Abatement of weeds, garbage, refuse and unsightly objects.

10-11-2. Notice to property owners.

10-11-3. Neglect of property owners — Re-

Section

moval by city — Costs of removal.

10-11-4. Costs of removal to be included in tax notice.

10-11-1. Abatement of weeds, garbage, refuse and unsightly objects.

The city commissioners of cities of the first and second class and the city councils of the cities of the third class, and the board of trustees of towns, may designate, and regulate the abatement of, injurious and noxious weeds, garbage, refuse or any unsightly or deleterious objects or structures, and may appoint a city inspector for the purpose of carrying out the provisions of this chapter.

History: L. 1927, ch. 51, § 1; R.S. 1933, 15-10-1; L. 1939, ch. 27, § 1; C. 1943, 15-10-1.

Cross-References. — Garbage removal, § 10-8-61.

Sidewalks, removal of weeds and litter, § 10-8-23.

COLLATERAL REFERENCES

Am. Jur. 2d. — 56 Am. Jur. 2d Municipal Corporations, Etc. § 457 et seq.

C.J.S. — 62 C.J.S. Municipal Corporations § 265.

Key Numbers. — Municipal Corporations ⇐ 607.

10-11-2. Notice to property owners.

It shall be the duty of such city inspector to make careful examination and investigation, as may be provided by ordinance, of the growth and spread of such injurious and noxious weeds, and of garbage, refuse or unsightly or deleterious objects or structures; and it shall be his duty to ascertain the names of the owners and descriptions of the premises where such weeds, garbage, refuse, objects or structures exist, and to serve notice in writing upon the owner or occupant of such land, either personally or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post-office address as disclosed by the records of the county assessor, requiring such owner or occupant, as the case may be, to eradicate, or destroy and remove, the same within such time as the inspector may designate, which shall not be less than ten days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The inspector shall make proof of service of such notice under oath, and file the same in the office of the county treasurer.

History: L. 1927, ch. 51, § 2; R.S. 1933 & C. 1943, 15-10-2.

10-11-3. Neglect of property owners — Removal by city — Costs of removal.

If any owner or occupant of lands described in such notice shall fail or neglect to eradicate, or destroy and remove, such weeds, garbage, refuse, object or structure upon the premises in accordance with such notice, it shall be the duty of the inspector, at the expense of the municipality, to employ necessary assistance and cause such weeds, garbage, refuse, objects or structures to be removed or destroyed. He shall prepare an itemized statement of all expenses incurred in the removal and destruction of same and shall mail a copy thereof to the owner demanding payment within twenty days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property owner's last known address. In the event the owner fails to make payment of the amount set forth in said statement to the municipal treasurer within said twenty days, the inspector, on behalf of the municipality, may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as hereinafter provided. In the event collection of said costs are pursued through the courts, the municipality may sue for and receive judgment upon all of said costs of removal and destruction together with reasonable attorneys' fees, interest and court costs. The municipality may execute on such judgment in the manner provided by law. In the event that the inspector elects to refer the matter to the county treasurer for inclusion in the tax notice of the property owner, he shall make, in triplicate, an itemized statement of all expenses incurred in the removal and destruction of the same and shall deliver the three copies of said statement to the county treasurer within ten days after the completion of the work of removing such weeds, garbage, refuse, objects or structures.

History: L. 1927, ch. 51, § 3; R.S. 1933 & C. 1943, 15-10-3; L. 1963, ch. 13, § 1.

10-11-4. Costs of removal to be included in tax notice.

Upon receipt of the itemized statement of the cost of destroying or removing such weeds, refuse, garbage, objects or structures, the county treasurer shall forthwith mail one copy to the owner of the land from which the same were removed, together with a notice that objection in writing may be made within thirty days to the whole or any part of the statement so filed to the board of county commissioners. The county treasurer shall at the same time deliver a copy of the statement to the clerk of the board of county commissioners. If objections to any statement are filed with the county commissioners, they shall set a date for hearing, giving notice thereof, and upon the hearing fix and determine the actual cost of removing the weeds, garbage, refuse or unsightly or deleterious objects or structures, and report their findings to the county treasurer. If no objections to the items of the account so filed are made within thirty days of the date of mailing such itemized statement, the county treasurer shall enter the amount of such statement on the assessment rolls of

the county in the column prepared for that purpose, and likewise within ten days from the date of the action of the board of county commissioners upon objections filed shall enter in the prepared column upon the tax rolls the amount found by the board of county commissioners as the cost of removing and destroying the said weeds, refuse, garbage or unsightly and deleterious objects or structures. If current tax notices have been mailed, said taxes may be carried over on the rolls to the following year. After the entry by the county treasurer of the costs of removing weeds, garbage, refuse or unsightly and deleterious objects or structures the amount so entered shall have the force and effect of a valid judgment of the district court, and shall be a lien upon the lands from which the weeds, refuse, garbage or unsightly and deleterious objects or structures were removed and destroyed, and shall be collected by the county treasurer at the time of the payment of general taxes. Upon payment thereof receipt shall be acknowledged upon the general tax receipt issued by the treasurer.

History: L. 1927, ch. 51, § 4; R.S. 1933 & C. 1943, 15-10-4.

CHAPTER 12

BUDGET SYSTEM IN CITIES OF THIRD CLASS

(Repealed by Laws 1961, ch. 24, § 2)

10-12-1 to 10-12-5. Repealed.

Repeals. — Sections 10-12-1 to 10-12-5 (L. 1925, ch. 30, §§ 1 to 5; R. S. 1933 & C. 1943, 15-11-1 to 15-11-5; L. 1957, ch. 20, § 1; 1957, ch. 21, § 1), relating to budget system in cities

of third class, were repealed by Laws 1961, ch. 24, § 2. For present provisions, see § 10-6-101 et seq.

CHAPTER 13

POWERS OF TOWNS

(Repealed by Laws 1983, ch. 34, § 2; 1985, ch. 109, § 3)

10-13-1 to 10-13-11. Repealed.

Repeals. — Sections 10-13-1 to 10-13-11 (R.S. 1898 & C.L. 1907, § 302, subds. 1, 3 to 10; L. 1911, ch. 123, § 1; C.L. 1917, §§ 786, 786x1, 786x3 to 786x10; R.S. 1933 & C. 1943, 15-12-1,

15-12-3 to 15-12-11; L. 1981, ch. 126, § 34; 1985, ch. 21, § 6; 1985, ch. 132, § 4), relating to miscellaneous powers of towns, were repealed by Laws 1985, ch. 109, § 3.

10-13-12. Repealed.

Repeals. — Section 10-13-12 (R.S. 1898 & C.L. 1907, § 302, subd. 11; L. 1911, ch. 123, § 1; 1915, ch. 111, § 1; C.L. 1917, § 786x11; R.S. 1933 & C. 1943, 15-12-12; L. 1965, ch. 19,

§ 1; 1971, ch. 13, § 1), relating to the property tax for general corporation purposes, was repealed by Laws 1983, ch. 34, § 2. See § 59-27-1 et seq.

10-13-13 to 10-13-23. Repealed.

Repeals. — Sections 10-13-13 to 10-13-23 (R.S. 1898 & C.L. 1907, §§ 302, subds. 12 to 20, 303; L. 1911, ch. 123, § 1; 1913, ch. 51, § 1; 1915, ch. 71, § 1; 1917, ch. 119, § 1; C.L. 1917, §§ 786x12 to 786x20, 787; L. 1921, ch. 18, § 1; 1925, ch. 32, § 1; 1925, ch. 110, § 1; R.S. 1933

& C. 1943, 15-12-13 to 15-12-23; L. 1963, ch. 14, §§ 1, 2; 1977, ch. 78, § 3; 1981, ch. 56, § 3; 1981, ch. 58, § 1; 1985, ch. 165, § 11), relating to various powers of towns, were repealed by Laws 1985, ch. 109, § 3.

10-13-24. Repealed.

Repeals. — Section 10-13-24 (R.S. 1898 & C.L. 1907, § 303; C.L. 1917, § 788; R.S. 1933 & C. 1943, 15-12-24), relating to the clerk of the

board of trustees, was repealed by Laws 1983, ch. 34, § 2.

10-13-25, 10-13-26. Repealed.

Repeals. — Sections 10-13-25, 10-13-26 (R.S. 1898 & C.L. 1907, § 306; C.L. 1917, § 790; R.S. 1933 & C. 1943, 15-12-25, 15-12-26; L. 1935, ch. 26, § 1), relating to administration

of oaths by the president and establishment of playgrounds, were repealed by Laws 1985, ch. 109, § 3.

10-13-27. Repealed.

Repeals. — Section 10-13-27 (L. 1967, ch. 25, § 1), relating to the fiscal year, was repealed by Laws 1983, ch. 34, § 2.

CHAPTER 14

CONSOLIDATION OF MUNICIPAL CORPORATIONS

(Repealed by Laws 1977, ch. 48, § 1)

10-14-1 to 10-14-8. Repealed.

Repeals. — Section 10-1-114, enacted by Laws 1977, ch. 48, § 1, repealed former Chapter 14 of Title 10, relating to consolidation of

municipal corporations. Laws 1977, ch. 48, § 2 enacted new provisions covering the same subject. See § 10-2-601 et seq.

CHAPTER 15

PEDESTRIAN MALL LAW

Section

- 10-15-1. Short title.
 10-15-2. Legislative findings and purposes.
 10-15-3. Definitions.
 10-15-4. Powers of legislative body of municipality.

Section

- 10-15-5. Powers of acquisition and improvement.
 10-15-6. Public hearing — Finance requirements.

10-15-1. Short title.

This act may be cited as the "Pedestrian Mall Law of Utah."

History: L. 1966 (2nd S.S.), ch. 2, § 1.

Meaning of "this act". — The phrase "this act" used throughout this chapter apparently refers to Laws 1966 (2nd S.S.), ch. 2, § 1, which enacted this chapter.

Cross-References. — Municipal Improvement District Act, § 10-16-1 et seq.

Powers of cities to establish pedestrian malls by ordinance, § 10-8-8.

10-15-2. Legislative findings and purposes.

The Legislature hereby finds and declares that in certain areas in municipalities within the state, and particularly in retail shopping areas thereof, there is need to separate pedestrian travel from vehicular travel and that such separation is necessary to protect the public safety or otherwise to serve the public interest and convenience. The Legislature further finds and declares that such objectives can, in part, be accomplished by the establishment of pedestrian malls pursuant to this act.

History: L. 1966 (2nd S.S.), ch. 2, § 2.

Meaning of "this act". — See the note under this heading following § 10-15-1.

10-15-3. Definitions.

The following terms, wherever used or referred to in this act, shall have the following meanings:

- (a) "Municipality" shall include every city or town within this state.
- (b) "Legislative body" shall mean the legislative body of the municipality.
- (c) "Street" as used herein shall mean any public road, street, highway, alley, lane, court, way, or place of any nature open to the use of the public, excluding state highways.
- (d) "Pedestrian mall" shall mean one or more streets or portions thereof, on which vehicular traffic is, or is to be, restricted in whole or in part and which is, or is to be, used exclusively or primarily for pedestrian travel.
- (e) "Mall intersection" shall mean any intersection of a street constituting a part of a pedestrian mall with any street which intersection is itself part of a pedestrian mall.

(f) "Intersection street" shall mean any street which meets or crosses a pedestrian mall at a mall intersection but includes only those portions thereof on either side of the mall intersection which lie between the mall intersection and the first intersection of the intersecting street with a public street or highway open to vehicular traffic. If any portion of a pedestrian mall terminates on a street at a place thereon other than at a place of intersection with a public street or highway open to vehicular traffic, such intersecting street shall also include that portion of any street which lies between such place of termination and the first intersection of such street with the public street or highway open to vehicular traffic. "Intersecting street" shall also include any other street or portion thereof which the legislative body declares to be such by resolution.

History: L. 1966 (2nd S.S.), ch. 2, § 3.

Meaning of "this act". — See the note under this heading following § 10-15-1.

10-15-4. Powers of legislative body of municipality.

The legislative body of the municipalities of this state shall have the power:

(a) To establish pedestrian malls.

(b) To prohibit, in whole or in part, vehicular traffic on a pedestrian mall.

(c) To pay from the general funds of the municipality, or from other available money, or from the proceeds of assessments levied on land benefited by the establishment of a pedestrian mall, the damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall.

(d) To acquire, construct and maintain on the municipality's streets which have been or will be established as a pedestrian mall, improvements of any kind or nature necessary or convenient to the operation of such streets as a pedestrian mall, included but not limited to paving, sidewalks, curbs, gutters, sewers, drainage works, lighting facilities, fire protection facilities, flood protection facilities, water distribution facilities, vehicular parking areas, retaining walls, landscaping, tree planting, statuary, fountains, decorative structures, benches, rest rooms, child care facilities, display facilities, information booths, public assembly facilities, and other structures, works or improvements necessary or convenient to serve members of the public using such pedestrian malls, including the reconstruction or relocation of existing municipally owned works, improvements or facilities on such municipal streets. The foregoing or any portions thereof, are referred to in this act as "improvements."

(e) To pay from the general funds of the municipality or other available moneys, or from the proceeds of assessments levied on property benefited by any such improvements, or from the proceeds of special improvement warrants or bonds, the whole or any portion of the costs of acquisition, construction and maintenance of such improvements in accordance with the provisions of §§ 10-7-21 through 10-7-50 and 10-7-63[10-16-1 to 10-16-40], Utah Code Annotated 1953, as amended, relating to special improvement assessments.

(f) To do any and all other acts or things necessary or convenient for the accomplishment of the purposes of this act.

History: L. 1966 (2nd S.S.), ch. 2, § 4.

Meaning of "this act". — See the note under this heading following § 10-15-1.

Compiler's Notes. — Section 10-16-39 provides that references in the Pedestrian Mall

Law (this chapter) to §§ 10-7-21 through 10-7-50 and 10-7-63 should be construed to refer to the Municipal Improvement District Act, §§ 10-16-1 to 10-16-40.

10-15-5. Powers of acquisition and improvement.

The legislative body of the municipalities shall also have the power to acquire by gift, purchase, eminent domain, or otherwise, land, real property or rights of way which shall become part of the municipal street established as a pedestrian mall, or which shall otherwise be used by the municipality as a part of, or for purposes connected with, a pedestrian mall, and such lands, real property or rights of way may be improved in the same manner as municipal streets may be improved. The legislative body shall also have the power to make such improvements on mall intersections and intersecting streets or upon facilities acquired for parking and other related purposes where such improvements are necessary or convenient to the operation of the mall. The acquisitions and improvements authorized by this section shall be deemed "improvements."

History: L. 1966, (2nd S.S.), ch. 2, § 5.

10-15-6. Public hearing — Finance requirements.

The designation of any street as a "mall" shall be by ordinance passed and published after full investigation and ample public hearing into the necessity and advisability of the creation of a mall. The ordinance shall designate the manner in which the project is to be financed, and, if financed by levy of special taxes or special improvement warrants or bonds, shall be in accordance with the provisions of §§ 10-7-21 through 10-7-50 and 10-7-63[10-16-1 to 10-16-40], Utah Code Annotated 1953, as amended.

History: L. 1966 (2nd S.S.), ch. 2, § 6.

Compiler's Notes. — Section 10-16-39 provides that references in the Pedestrian Mall Law (this chapter) to §§ 10-7-21 through

10-7-50 and 10-7-63 should be construed to refer to the Municipal Improvement District Act, §§ 10-16-1 to 10-16-40.